UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1994/76
6 January 1994

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Item 19 of the provisional agenda

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Situation of human rights in Romania

Report by the Secretary-General submitted pursuant to Commission resolution 1993/72

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Introduction

1. At its forty-ninth session, the Commission on Human Rights adopted resolution 1993/72 of 10 March 1993, entitled "Situation of human rights in Romania", in which it welcomed the steps taken to establish in Romania a democratic and pluralist system of government based on respect for human rights and the rule of law as well as the declared ambition of the Governments to fulfil the obligations undertaken under the international conventions and instruments to which it is a party. The Commission urged the Government and authorities of Romania to continue their efforts to ensure respect for human rights in all their aspects in the country, both de jure and de facto.

2. The Commission welcomed the close cooperation between the Government and authorities of Romania and the Centre for Human Rights in the field of advisory services, particularly the ongoing implementation of the agreement between the Centre for Human Rights and the Government of Romania, providing for publications, training, education, seminars, workshops, fellowships, advisory services of experts and support for national institutions, and encouraged the Government and authorities of Romania and the Centre for Human Rights to continue their cooperation.

3. The Commission requested the Secretary-General to invite the Government of Romania to provide information regarding the implementation of the resolution, and to forward such information, together with relevant information from intergovernmental and non-governmental organizations, to the Commission on Human Rights.

4. In accordance with the resolution, the Secretary-General sent to the Permanent Representative of Romania to the United Nations Office at Geneva on 8 October 1993 a note verbale inviting the Government to provide all the necessary information concerning the implementation of the above-mentioned resolution. A specialized agency and several non-governmental organizations also provided information, which is summarized in the annexes to the present report.

I. ADVISORY SERVICES AND TECHNICAL ASSISTANCE PROVIDED TO THE GOVERNMENT OF ROMANIA DURING 1993

5. In 1993, the Centre for Human Rights continued the implementation of its long-term programme of advisory services and technical assistance to Romania which included the activities referred to in paragraph 2 above. Details concerning the various components of the programme are provided below.

A. Assistance to the Romanian Institute for Human Rights

6. Throughout 1993, the Centre continued to provide technical, organizational and documentary support to the Romanian Institute for Human Rights (IRDO), which was established by the Romanian Parliament in 1991 as an independent national institution for the promotion of human rights. The Centre assisted the Institute in its education, training, research and documentation mandate.

7. In January 1993, Professor Joseph Voyame (former Special Rapporteur of the Commission on Human Rights on Romania and Chairman of the Committee against Torture) was designated to fill the post of Director of the Institute for 1993. All expenses associated with Mr. Voyame's position are financed under the Centre's programme of assistance to Romania.

8. During the week of 14-19 January 1993, Mr. Voyame conducted a series of official visits in Romania during which he held discussions with the President of the State, the Minister of Interior, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Education, the State Secretary for Culture and Religion, the President of the Chamber of Deputies of the Parliament and the President of the Romanian Senate. In addition, Mr. Voyame met with representatives of some 20 non-governmental organizations to initiate a dialogue with them. His mission included a visit to the Tirgsor women's prison where he spoke to both inmates and staff on the subject of human rights in prisons.

9. In the course of his mission in Romania, Mr. Voyame reviewed, with the relevant authorities, laws related to human rights including, inter alia, the Law on the Advocate of the People and the establishment of a national Ombudsman, as well as measures for the protection of minorities.

10. Throughout the year, Mr. Voyame held in-depth consultations with the Deputy Director and the staff of the Romanian Institute for Human Rights in order to review the completed activities and to set up the plan for future events and priorities. Mr. Voyame also made a substantial contribution to the activities carried out by the Centre for Human Rights in Romania.

B. Education and training

Training Course for the Police Academies

11. During the week of 1-5 March 1993, a training course on human rights in the administration of justice for professors of police academies was held at the Romanian Institute for Human Rights in Bucharest. There were 50 participants, drawn principally from the main police and military training academies in Romania. Five international experts led discussions and working groups on a variety of topics including sources, systems and standards for human rights in the administration of justice; the legal status and the rights of the accused during arrest and pre-trial detention; human rights during police investigations; protection and redress for victims; the treatment of juvenile offenders; policing demonstrations, internal disturbances and states of emergency; the rights of women in the administration of justice and non-discrimination and community policing.

12. The course was organized in cooperation with the United Nations Crime Prevention and Criminal Justice Branch, which provided international experts and assisted in the development of the course programme and materials.

13. The purpose of the course was to familiarize participants with international standards for human rights in the administration of criminal justice and to examine effective techniques for the performance of law enforcement functions in a democratic society.

Workshop on human rights and resolution of conflicts between citizens and the State

14. From 10-14 May 1993, the Centre held a workshop on human rights and the resolution of conflicts between citizens and the State at the Romanian Institute for Human Rights. Fifty participants selected from NGOs, trade unions and minority groups took part in the discussions and working sessions led by international and domestic experts. Topics covered included techniques of conflict resolution, the role of trade unions, the role of NGOs, the role of national institutions, and conflict resolution and minorities. The elaboration of the workshop programme was done in close cooperation with the Austrian Centre for Peace and Conflict Resolution and IRDO.

15. The purpose of the workshop was to familiarize the participants with the reasons for conflicts and means of identifying solutions for disputes between citizens or groups of citizens and organs of the State. It was the first time that the Centre had organized a workshop of this kind, which took place at a particularly important moment as the Government of Romania is in the process of establishing the office of the Ombudsman provided for in the Romanian Constitution.

16. In view of the success of the workshop, the Centre plans to include similar projects in the comprehensive programmes of newly democratic countries, taking into consideration the specificities of each.

Colloquium on human rights and the media

17. From 16-20 August 1993, the Centre for Human Rights organized, in cooperation with the Romanian Institute for Human Rights, a colloquium on human rights and the media. The colloquium was intended for journalists, government officials and others involved in the Romanian media and was conducted by a panel of experts experienced in human rights and media issues. Topics discussed included the situation of the press and audio-visual media in Romania; public perceptions of human rights through television; review of constitutional provisions and press laws on freedom of opinion and expression; access to information; professional conduct; the problems of censorship; media and human rights education; the role of the press in the development of a pluralistic society and obstacles to human rights reporting.

18. The media and human rights was the second subject dealt with in depth within the framework of seminars organized by the Centre for Human Rights. The colloquium aimed at enhancing the knowledge and skills of media personnel with a view to strengthening the role of the mass media in the promotion and protection of human rights.

19. Through the analysis of human rights provisions pertaining to media policy and practice in international law, the colloquium was also meant to promote freedom of expression and the practice of socially responsible journalism at the individual level and the identification of the basic elements for the elaboration of press and media laws.

Seminar on reporting obligations

20. Within the Centre's programme of technical cooperation for Romania, five Romanian officials representing the Ministries of Foreign Affairs, Interior, Labour and Justice participated in a seminar on reporting obligations organized by the Centre in Geneva on 22-25 November 1993 for French-speaking countries.

21. Twelve participants took part in the seminar, which was meant to coincide with the regular session of the Committee on Economic, Social and Cultural Rights. Topics dealt with included an introduction to the international system for the protection of human rights; the treaty-monitoring system of the United Nations; guidelines for the preparation of reports; substantive provisions of the respective human rights conventions; and case-exercises which were provided by the trainers.

Seminar on human rights in the administration of justice

22. From 30 November to 3 December 1993, the Centre organized a seminar in Bucharest, similar to the one held in 1992, on human rights in the administration of justice. There were over 75 Romanian participants including judges, lawyers, prosecutors, representatives of NGOs active in the protection and promotion of human rights and members of the Romanian press.

23. The working sessions and discussions were led by a panel of international and local experts. The topics covered in the seminar included: international sources, systems and standards for human rights in the administration of justice; the independence of judges and lawyers; human rights in criminal investigation and the prevention of torture; the rights of the accused during arrest and detention; the elements of a fair trial; standards for the protection of prisoners; non-custodial measures; equality and non-discrimination in the justice system and the administration of juvenile justice.

24. The participants recognized the usefulness of the training programme organized by the Centre in Romania in the past two years in the field of the administration of justice. Their great interest in the course was manifested by the high rate of attendance and the degree of participation in the debates. Several views were expressed in favour of the organization of similar activities outside of Bucharest and for an increased and more active cooperation with specialized NGOs. Participants also underlined the importance of organizing a seminar on regional instruments for the promotion and protection of human rights, especially the European Convention on Human Rights and other relevant instruments.

25. Evaluation sessions were held at the conclusion of training activities. The question of selection of participants, or target beneficiaries, and local experts was raised in these discussions, with the participation of panels of international experts, IRDO, and the local UNDP office. During these sessions, it was stressed that national participants in the Centre's training activities, including NGO representatives, should be selected on the basis of their actual involvement in the specific field, with the understanding that the content of the courses was relevant to their daily concerns. It was also

hoped that participants would be in a position to disseminate information or conduct training in their own institutions. Full-time attendance was required in order to obtain the best results.

26. An adequate selection of local experts was necessary to provide valuable information on the situation in the country, they were also meant to play a key role in ensuring liaison between participants and the international experts. Additional remarks were made in connection with the presentations made by domestic experts and it was recommended that they attend the daily briefing and debriefing sessions for a better coordination of presentations.

27. All these remarks have been taken into consideration for the organization of future activities.

C. Briefings for non-governmental organizations

28. Within the framework of Human Rights Week, the Centre organized, under the auspices of UNDP, a series of briefings for representatives of NGOs active in the promotion and protection of human rights as well as for the general public. An international expert invited by the Centre for Human Rights, together with Mr. Voyame and a staff member from the Centre, addressed the meetings, which were held at Bucharest and the province of Prahova (at Ploiesti) from 8 to 10 December 1993. The briefings focused on the following topics: international monitoring mechanisms for the respect and protection of human rights; cooperation between NGOs and official institutions and functional relations between education and non-governmental organizations.

29. The representatives of the Centre for Human Rights held a meeting in the Prahova district with the President and the members of the First Instance Court and the Court of Appeals, during which the application in courts of international norms and standards in the field of human rights was also discussed.

D. Provision of fellowships

Fellowship Programme

30. Five Romanian candidates were selected by the Centre in cooperation with the Government and the Romanian Institute for Human Rights to participate in the 1993 Fellowship Programme funded under the regular budget for advisory services. The Programme, which was held at Geneva and Strasbourg in July 1993, involved some 45 participants from 29 countries who were drawn from different areas including senior administration and the legal profession.

Documentation visit

31. From 18-25 July 1993, two Romanian professors of law participated in a documentation visit at Strasbourg organized and financed by the Centre for Human Rights. The purpose of the visit was to familiarize Romanian university teachers with the research and documentation system of both the Strasbourg Institute for Human Rights and the Council of Europe. It also provided an important opportunity for the participants to follow a number of courses organized by the Strasbourg Institute within its summer session.

E. Round table consultation on the evaluation of the programme

32. Pursuant to the recommendations of the World Conference on Human Rights, as contained in paragraph 16 of the Vienna Declaration and Programme of Action, a consultation meeting was held at Bucharest on 6 December 1993, in order to proceed with an overall evaluation of the programme of advisory services and technical assistance to Romania of the Centre for Human Rights, with a view to establishing clear lines for future priorities and plans of action.

33. The meeting was organized under the auspices of UNDP with the participation of 18 representatives of the Ministries of Interior, Defence, Public Affairs, and Foreign Affairs, IRDO, UNESCO, UNICEF, UNHCR, UNDP, the Independent Society for Human Rights (SIRDO), the Romanian Association for Personal Freedom and Human Dignity, a group of women and a teacher working in close cooperation with UNESCO and the Centre for Human Rights.

34. While the representatives of the Romanian Government expressed a great deal of interest in continuing the present programme, there was an emphasis on the need to develop a common plan of action amongst all the Ministries concerned, in cooperation with the specialized agencies. Other views expressed in relation to the organizational aspect of the programme included the decentralization of activities carried out by the Centre in Romania, with an evident wish to cover the main regions of the country, and the participation in these activities by the numerous non-governmental organizations active in the field of human rights. In that regard, the Centre was requested to encourage the wider involvement of NGOs and specialized agencies active in Romania in the effective implementation of its programme nationwide. The necessity of such participation was further stressed in relation to the organization of the seminar on the rights of minorities, a priority activity planned for 1994 in which the involvement of national minorities' representatives was considered indispensable.

35. These conclusions will be taken into account in the elaboration of the Centre's cooperation project with the Government of Romania for 1994.

II. INFORMATION PROVIDED BY THE GOVERNMENT OF ROMANIA REGARDING THE IMPLEMENTATION OF COMMISSION RESOLUTION 1993/72, ENTITLED "SITUATION OF HUMAN RIGHTS IN ROMANIA"

36. During 1993 Romania continued to make progress towards the achievement of democracy and the rule of law, based on respect for human rights and political pluralism. During this period, there were significant changes in Romanian society as regards specific legislation, the organization of the Government and institutions and the transition towards a market economy founded on the principle of competition. These developments should also be seen in the specific context of the changeover to a market economy, which has had a decisive influence in certain areas.

37. Together with the continuation of the legislative process, the existing legislation was applied more strictly. Increased importance was also given to the development of training and education programmes for law enforcement personnel, in a spirit of universal values, democracy and human rights. The

goal of the educational process has been a change in mentalities and the attitudes in keeping with these values, reflecting an ongoing concern of the leaders of Romania's society.

38. For Romania, 1993 also saw broader international cooperation in the field of human rights at both world and regional levels. Several decisive laws and other important legislation strengthening respect for human rights were adopted. They concern the organization of the judiciary, the strengthening and improvement of the procedural provisions relating to the right to a defence, the harmonization of Romanian positive law with international and European human rights standards and the introduction of an institutional legislative framework for the protection of persons belonging to national minorities.

39. A list of the statutes enacted in 1993 is found in annex I, updating the lists contained in the report of the Special Rapporteur on the situation of human rights in Romania (E/CN.4/1992/28, annex II) and those contained in the report prepared by the Secretary-General on the basis of resolution 1992/64, entitled "Situation of human rights in Romania" (E/CN.4/1993/40, annex I).

40. The reform of the administration of justice is a key element in the democratic reorganization of society. Act No. 92 on the organization of justice on the basis of the separation of State powers was adopted last year and is a follow-up to the structural reforms in that area. It regroups Act No. 58/1993 on the Supreme Court of Justice, Act No. 54/1993 on the organization of the judicial bodies and military courts, Act No. 45/1993 revising the Code of Criminal Procedure and Act No. 59/1993 revising the Code of Civil Procedure, the Family Code, Act No. 29/1990 on Administrative Disputes and Act No. 94/1992 relating to the organization and functioning of the Court of Audit.

41. Act No. 92/1992, the Organization of Justice Act, provided for the introduction of a new judicial system, comprising four tiers: courts of first instance (179); departmental courts (41); courts of appeal (15 judicial bodies at the regional level, comprising two or three specialized chambers) and the Supreme Court of Justice. This system affords a further guarantee with the additional tier of jurisdiction i.e. appeals. The same Act reorganized the former Office of the Attorney-General under the authority of the Ministry of Justice, taking the form of a government procurator's office, prosecutors attached to the various courts, and the department of prosecutions of the Supreme Court of Justice.

42. The Organization of Justice Act stipulated that the provisions on the actual establishment of the new system of administration of justice were to enter into force on 1 July 1993. Special efforts had to be made to prepare for the implementation of those provisions in order for the system to be operative on schedule. One of the greatest difficulties was to identify and take possession of an adequate number of premises in such a short period of time, in view of the significant growth in the number of judicial bodies. Similarly, recruiting qualified staff (judges, lawyers, administrative staff) to fill vacant posts in the process of reorganization was not without its problems.

43. Under the Act, the Supreme Court of Justice is made up of one president and one vice-president, five presidents of chambers and 80 judges. All are appointed by decree of the President of the Republic, on the proposal of the Supreme Council of the Judiciary for a six-year term. The judges of the Supreme Court cannot be removed during their term in office.

44. The Supreme Court of Justice is divided into five chambers (civil, criminal, commercial, administrative disputes and military) performs the following functions and has the following competence:

(a) The chambers of the Supreme Court hear applications filed in accordance with the law, the Code of Criminal Procedure and the Code of Civil Procedure, applications filed in respect of expropriation and applications against decisions of the military courts; in the first instance, they are competent to hear criminal proceedings involving dignitaries, the judges of the Supreme Court and the Constitutional Court, the members of the Court of Audit, the President of the Legislative Council and the religious leaders;

(b) The Supreme Court, meeting as a whole, hears applications filed against decisions handed down in first instance by the individual chambers as well as test cases; it is competent to refer matters to the Constitutional Court in order to check the constitutionality of laws before they are enacted.

In addition, at the end of each year the Supreme Court of Justice may determine in which cases the law needs to be improved and notify the Ministry of Justice accordingly.

45. In the broader context of the new system of judicial organization, Act No. 54/1993, on the organization of the judicial bodies and military courts, provided for the establishment of four military courts in the municipalities of Bucharest, Cluj-Napoca, Iasi and Timisoara, a territorial military court in the municipality of Bucharest, a military court of appeal in Bucharest and a fifth chamber (military) of the Supreme Court of Justice. The jurisdiction of the military courts was significantly reduced compared with the situation under the previous regime. In addition to offences committed by military personnel, they are currently limited to offences committed by civilian staff of military units in the course of their duties and offences committed by civilians against the property of military units.

46. In 1993 functional regulations were also prepared for the Supreme Council of the Judiciary, which is the body competent to make recommendations to the President of the Republic on the appointment of judges and to make decisions on promotions and transfers. It might also be considered as a disciplinary board within the judiciary.

47. The changes in the organization of the judicial system were directed first of all at the basic principle of protecting the individual throughout all phases of judicial proceedings. From a broader standpoint, the introduction of a third tier of jurisdiction through the establishment of courts of appeal established a system that became operative during 1993 and is going to make a substantial contribution to strengthening the legality, impartiality and fairness of court proceedings, in keeping with the relevant international standards.

48. In accordance with the legal provisions relating to the revision of the Code of Criminal Procedure, criminal proceedings should help to uphold the rule of law, the individual and his rights and freedoms, prevent offences and inculcate in citizens a spirit of respect for the laws.

49. In addition to earlier changes, the Act includes a range of guarantees designed to increase legal protection of the individual in all phases of criminal proceedings:

The obligation immediately to inform a detained or arrested person of the reason for the detention or arrest;

As soon as pre-trial detention is ordered for an accused or indicted person, either the prosecutor or the court must inform, within 24 hours, a member of his or her family or any other individual designated by the accused or indicted person;

The introduction of a legal obligation for the lawyer chosen by the person or appointed by the court to provide the accused or indicted person with legal assistance; in cases where this obligation is not respected, the prosecution body or the court may so inform the Bar Council in order for it to take the appropriate decision.

50. Significant changes have been made in prison administration policies and in the custodial system as regards living conditions in prisons and respect for the rights of detainees.

51. Following the transfer of the prison administration system to the Ministry of Justice in 1991 with the establishment of a General Prisons Administration, a series of internal orders and restrictive regulations in force under the previous regime were repealed or revised.

52. The process of instructing, training and educating prison administration staff has been conducted in a spirit of respect for human rights. Similarly, a Government decision (No. 256/1993) considerably increased the number of posts in the prison administration.

53. Under Government Decision No. 813/1993, a department was established within the Ministry of Justice for the enforcement of custodial sentences, with an inspection body for systematic monitoring of the way in which the relevant legislation is respected. In 1993, 27 penitentiaries, 4 re-education centres and the Bucharest penitentiary-hospital were inspected.

54. The precarious situation inherited from the previous regime (among other things, 13 departments had no prisons at all) makes the restructuring process difficult in this regard; more time would be needed for significant progress, especially in establishing an adequate infrastructure.

55. Social policies have been a constant concern of the Romanian authorities, in view of the numerous economic difficulties, which undeniably affect most of the vulnerable groups. Under such conditions, children are particularly vulnerable, a situation that points to the need to increase the responsibility

of society and the family. In this connection, the Convention on the Rights of the Child, ratified by Romania in September 1990, is a basic guideline for projects relating to children.

56. In the legislative field, the most significant measure taken in 1993 was the adoption of the Act on the judicial declaration of the abandonment of children, with its stated objective of bringing Romanian legislation into line with the world's most advanced regulations for protecting the interests of children.

57. In this context, the National Council for the Protection of Children was established as an interdepartmental government body whose main functions are: preparation of proposals and legislation with a view to improving legal regulations in this area; cooperation with international bodies and monitoring - in collaboration with the ministers, national institutions and social leaders concerned - of the implementation in Romania of the Convention on the Rights of the Child. These activities have already begun, with the technical assistance of the European Union and the participation of specialists from Romanian research institutes concerned with children.

58. The Government has paid special attention to the situation of national and ethnic minorities, which improved considerably in the course of 1993. This trend is reflected in particular in the active participation of persons from national and ethnic minorities in the central and local branches of government and administration - following free, local and general elections held in recent years; the improvements in the exercise of the rights and freedoms laid down in the Constitution and subsequent legislation; and the positive change in the general atmosphere of inter-ethnic relations between the majority population and the various minorities.

59. It is undeniable, however, that some mistrust, encouraged chiefly by the spread of theories and concepts based on the ideas of a "community autonomy" or "ethnic self-determination" - which have no counterparts either in international legislation or the experience of other States with a democratic tradition - persists in a few places in the country. These are, however, isolated phenomena in Romanian society as a whole. Nevertheless, the Government has strongly condemned any expression of intolerance, and has constantly affirmed the need for strict observance of Romania's obligations under the relevant international instruments.

60. The main areas of government action in regard to national minorities have been in the emphasis placed on stricter observance and monitoring of the way in which the law is applied at the practical, especially the local, level; the improvement in the current legislative framework and an examination of ways to expand it; and the improvement in the institutional system and related mechanisms, in keeping with the national human rights standards.

61. In this connection, a special advisory body - the Council for National Minorities - was established. It covers the organizations representing minorities and its purpose is to make recommendations for government policy and action in this field. Certain basic powers have been attributed to the Council for Ethnic Minorities, including the examination of the specific problems of persons belonging to national minorities and of the directions and

means for improving those persons' exercise of their rights, in accordance with the provisions of the Constitution, the law and relevant international standards.

62. The Council's competence includes legislative, administrative and financial matters relating to the exercise of the rights of persons from national minorities, for the purpose of protection and free expression of their ethnic, cultural, linguistic and religious identity, in accordance with the applicable definitions contained in the Constitution and the international treaties to which Romania is a party.

63. The Council is made up of representatives of organizations of persons belonging to minorities that were legally constituted on the date of the general elections of 27 September 1992 and of government representatives from central bodies of the public administration.

64. Within its powers under its by-laws, the Council has conducted a number of activities, essentially:

Analysis and preparation of bills and other legislation relating to national minorities, including a draft model-law on minorities, which will be finalized on the basis of discussions with and proposals put forward by the organizations of persons belonging to minorities;

Ongoing liaison with local administrative authorities with a view to identifying specific problems and evaluating and supervising the way in which the law is applied as regards the rights of persons belonging to national minorities;

Examination of applications and petitions to institutions or organizations in the areas covered by the Council's activities;

Establishment and maintenance of contacts with various international governmental or non-governmental organizations working on the rights of persons belonging to national minorities.

65. Education in the languages of the national minorities (nursery schools, primary schools, secondary schools, vocational schools, etc.) is provided by the State in communities with populations belonging to various ethnic groups. In higher education, at the request of students of Hungarian and German nationality, some courses have been held in the relevant languages.

66. For the year 1992/93, 5.4 per cent (i.e. 250,000 persons) of the total number of pupils and students enrolled in the educational system at all levels were receiving instruction in their mother tongue. Education in the mother tongues is provided both in independent establishments (1,283) and in mixed sections (Romanian and Hungarian, Romanian and German, etc.) (1,447).

67. Higher education in Romania includes 235,669 students, including approximately 8,000 from the Hungarian minority. Ethnic Hungarian students can study in their mother tongue some of the subjects offered at

"Babes Bolyai" University in Cluj, the Faculty of Medical and Pharmaceutical Studies at Tirgu-Mures and the University of Bucharest. At the Tirgu-Mures Theatre Academy all courses are given in Hungarian.

68. For pupils belonging to national minorities who, according to their own or their parents' wishes, attend schools where teaching is provided in Romanian, the mother tongue is taught at all levels of education. For all pupils in schools where teaching is in the national minority languages, the textbooks in the mother tongue for the subjects contained in the curricula are provided free of charge. The same facilities are provided for pupils who attend schools where teaching is in Romanian and have also asked to study their mother tongue (see annex II).

69. An important problem that has been one of the authorities' ongoing concerns is specific programmes for the social integration of the members of the Romany community, given the difficulties some of them are experiencing in adapting to the socio-economic dynamic of the period of transition.

70. In this connection, a significant event was an international seminar held in May 1993 at Snagov, on the initiative of the Romanian Government, organizations representing the Romany community and the United States "Project on Ethnic Relations" organization. The topic was the evaluation of programmes and projects relating to the situation of the Romany community in the countries of central and eastern Europe. The meeting adopted a programme-document - the "Snagov Declaration" - summarizing various matters raised by the participants and proposing solutions and alternatives for more effect of activities aimed at the social integration of members of the Romany (Gypsy) community.

71. It would be impossible to conclude this section without mentioning the incidents that occurred at the village of Hadareni-Chetani, which, although they remain isolated incidents with respect to Romanian society as a whole, nevertheless produced strong reactions among the public at home and abroad.

72. Two days after the events, the Government of Romania issued a statement defining its position of principle with regard to the situation in question. The numerous and thorough investigations made subsequently confirm those preliminary assessments. The conflict, whose tragic consequences included deaths and material damage, turned out not to have had ethnic causes and not to have been directed against inhabitants of a particular ethnic origin. It was in fact a spontaneous, violent mob reaction against the cold-blooded murder of a young villager by a group of Gypsies. It was the spark to the powder-keg of problems that had been building up for quite some time within the local community after numerous instances of unlawful behaviour for which only a few Gypsy families had been responsible.

73. From the outset, the Romanian Government expressed the strongest disapproval of the methods chosen by certain inhabitants of Hadareni to dispense justice; in accordance with the principles of justice and non-discriminatory respect for human rights, the Government could only inveigh against that unacceptable recourse to violence, regardless of the ethnic origin of the instigators and supporters.

74. As a result, the competent authorities immediately took strong measures to ensure public order and to defuse other possible confrontations in Hadareni; the police officials who failed in their duty to prevent the tragic turn to the events were punished, and some were even demoted and/or dismissed from the police. Legal proceedings against those responsible for the offences committed on 20 and 21 September, irrespective of their ethnic group - Romanian, Hungarian, Romany - were instituted without delay.

75. The Government of Romania, fully aware of the problems facing the Romany community, particularly during the period of transition, is determined to continue establishing appropriate programmes aimed at stimulating the social integration of the Romany Community in conformity with international practice, Recommendation No. 1203 (1993) of the Parliamentary Assembly of the Council of Europe and the pertinent documents of the Conference on Security and Cooperation in Europe.

76. A distinctive feature of 1993 was the increase in Romania's international cooperation in the field of human rights. Thus, following the ratification of the Optional Protocol to the International Covenant on Civil and Political Rights - Act No. 39/1993 - the Romanian State accepted the competence of the Human Rights Committee to consider communications from individuals. Again, Romania was admitted as a fully-fledged member of the Council of Europe, in recognition of Romania's efforts in recent years to achieve the democratization of the society and harmonize its legislative and institutional system with the standards required by that organization. Romania has signed the European Convention on Human Rights and its Additional Protocols as well as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its two additional Protocols.

77. The considerable progress made by Romania in the observance of and respect for human rights and fundamental freedoms was certainly facilitated by the programme of advisory services and technical assistance for Romania, run by the Centre for Human Rights in Geneva. As the report on the situation - presented at a round-table organized in Bucharest on 6 December 1993 to evaluate the programme of technical assistance to Romania - shows this kind of international cooperation proved to be not only extremely effective, but acted as a catalyst for and accurately reflected national action in the field of human rights.

78. The general programme of technical assistance to Romania began on 23 September 1991, when an agreement was signed with the Centre for Human Rights. The agreement provided for assistance for a period of two to three years beginning on 1 October 1991. The close cooperation that developed between the Romanian Government and authorities and the Centre for Human Rights from the first stages of the programme of advisory services was welcomed at the time in Commission on Human Rights resolution 1992/64.

79. Since 1991, the original agreement has undergone changes and adjustments in order to take account of developments and specific needs. Following a meeting of the parties concerned in Geneva in January 1993, the entire cooperation programme was reviewed and a plan of future activities prepared.

80. The year 1993 was an excellent one for the implementation of the programme. The results obtained are highly illustrative of the potential of this kind of assistance - provided the recipients participate actively in the assistance activities, as the Romanian Government, in cooperation with the relevant non-governmental organizations, certainly did - and they fully justify continuing the programme.

81. The programme of advisory services and technical assistance to Romania has been designed in such a way as to make the most of the resources of the country's institutions and local NGOs in order to direct information in the field of human rights straight to its ultimate beneficiaries - the people. This "democratic" component of the programme has helped to give it the greatest possible impact on the population.

82. As to the specialized activities organized in 1993 with the support of the Centre for Human Rights under the programme of technical assistance to Romania, the agenda proved to be particularly heavy, which means that the programme's potential was used virtually to the full.*

83. The report of the Secretary-General of the United Nations on the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities mentioned this event as an example of the implementation of the Declaration.

84. The Centre has provided and continues to provide assistance to the Romanian authorities in the provision of comparative legal texts sought by the Government to assist them in the process of legislative development. The Centre collected the organizational laws of a number of democratic institutions relating to the establishment and functioning of the defender of the people, political parties, the Supreme Council of the Judiciary and the Department of Public Prosecutions and forwarded them to the Government.

85. Lastly, the implementation of the programme of advisory services and legislative assistance to Romania indicates grounds for continuing it in the future, to help complete the process of introducing a democratic pluralistic society in Romania based on the rule of law and respect for the standards and values of human rights and fundamental freedoms.

III. INFORMATION PROVIDED BY THE INTERNATIONAL LABOUR OFFICE

Information and observations on the application of Convention No. 111 Discrimination (Employment and Occupation)

A. Report of Romania to the Committee of Experts on the Application of Conventions and Recommendations

86. During its annual session, held from 11-24 March 1993, the Committee of Experts of the International Labour Organisation (ILO) considered the report and the attached documentation submitted by the Government of Romania under article 22 of the ILO Constitution concerning the application of Convention No. 111 Discrimination (Employment and Occupation).

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* The Romanian Government draws attention to the activities under the technical assistance programme (see paras. 6 to 30 above).

87. The Committee of Experts took note of the report after recalling its observations of 1992, in which it had taken note of the conclusions and recommendations of the Commission of Inquiry concerning the existence of discriminatory practices based on political opinion, race, national extraction and social origin, and made a number of observations addressed to the Romanian Government.

88. With regard to discrimination on the grounds of political opinion and social origin, "the Committee notes from the Government's report that the procedure of using personnel records which workers had to fill out, a practice of the old regime, has ceased to exist and that the provision in article 50 (a) of the Constitution which states that 'faithfulness towards the country is sacred' refers to the value of patriotism. The Committee requests the Government to continue to supply information on the measures taken to ensure that discrimination on the grounds of political opinion does not occur, including copies of any relevant judicial decisions or regulations."

89. With regard to discrimination on the grounds of national extraction and race, the Committee recalled that the Commission of Inquiry had observed that the Roma minority, and to a lesser extent the Magyar minority, were the two groups against whom discrimination was systematically practised. In its previous comments, the Committee had noted that a series of measures had been taken to improve the status of these two groups including the adoption of the Declaration of the Government on national minorities, the constitutional provision for minorities to be educated in their mother tongue and the adoption of a programme aimed at improving the socio-economic status of the Roma and solving their problem of employment. The Committee had welcomed these measures, but at the same time it had underlined the importance of their application in practice.

90. "The Committee notes with interest from the information supplied by the Government that an extensive mother tongue education programme for the Magyar minority has been developed, including an increase in the number of sectors where the Magyar language is taught; the instruction of future secondary-school teachers so as to prepare them to teach in Magyar mother tongue schools; and the offering of classes in Magyar mother tongue at the University of Cluj. The Committee also notes that special classes for the Roma minority students have been established in several secondary schools so as to prepare them to teach in Roma mother tongue schools. The Committee requests the Government to continue to furnish information on the measures taken to provide educational instruction and vocational training which meet the linguistic needs of the Magyar and Roma minorities. It also requests the Government to supply a copy of Government Decision No. 461 referred to in the Government's report."

91. With regard to the implementation of the programme to improve the socio-economic position of the Roma, the Government reported that special vocational training and retraining courses are organized for the Roma in three districts; training courses for the Roma in social services counselling, education and health have taken place; private industries have been brought into four Roma districts; 14 houses are currently under construction in one Roma district; the Romanian branch of the cultural foundation "Rromani-Baht" has been established; and the number of Roma cultural publications has

increased. The Government also referred to a proposal for the establishment of a State Inspectorate for the Integration and Social Protection of the Roma, which would coordinate and assist in carrying out programmes aimed at improving the socio-economic status of this group.

92. "The Committee notes the above information with interest and requests the Government to continue to provide information on the implementation of the programme including details on its results in terms of the employment situation of the Roma. Specifically, with respect to the establishment of private industries in the four districts, the Committee asked the Government to indicate the number of jobs created for the Roma as a result of such action. The Government was also invited to provide information on the establishment of the State Inspectorate and the manner in which the representatives of the Roma participated in the formulation of this proposal and how they will be associated with the activities of the Inspectorate."

93. Referring to the dissemination of information to promote equality of opportunity and treatment in employment, "the Committee notes the Government's statement that copies of the conclusions and recommendations of the Commission of Inquiry in Romanian will be distributed to employers' and workers' organizations, employment offices and other institutions and it hopes that the Government will be able to indicate at the Conference in June 1993 that this has been done and that it will provide full particulars in its next report".

94. The Committee "notes from the Governments's report that, in order to promote a better understanding of how to implement the principles of equality in employment, copies of the Draft Guide of Practice for Equal Opportunity in Employment, prepared by the International Labour Office, have been translated into Romanian and distributed to local employment services. The Committee was grateful to the Government to continue to furnish information on the measures taken to further understanding of the principles contained in the Convention and to foster understanding and tolerance between various groups of the population."

95. With respect to measures of redress, the Committee "again requests the Government to provide information on the measures taken to give effect to the following recommendations made by the Commissions of Inquiry: Recommendations No. 4 (effect of past discrimination), No. 6 (concerning the Government's guarantee of an efficient and impartial follow-up to the request for medical examination made by the persons who went on strike and had been rehabilitated by the courts), No. 7 (the reinstatement of workers who had lost their jobs as a result of being arrested for the June 1990 demonstrations) and No. 20 (reparation for discrimination suffered by national minorities or by persons persecuted for political reasons)".

96. Concerning the situation of women workers, the Committee "notes with concern that it has once again not received information on the situation of women in employment and occupation. It requests the Government to provide information including statistics on the measures taken to prevent discrimination on the ground of sex and to promote equality of opportunity and treatment between men and women, and on the situation of women workers with regard to:

(a) Access to vocational training or retraining;

(b) Access to employment and to particular occupations;

(c) Terms and conditions of employment;

(d) Security of employment."

B. Report of Romania to the Committee on the Application of Standards of the International Labour Conference

97. In June 1993, the Committee on the Application of Standards of the International Labour Conference examined Romania's report on the application of Convention No. 111 Discrimination (Employment and Occupation), ratified by Romania in 1973.

98. The Government of Romania supplied the text of Government Decision No. 461/1991, concerning the system of tuition in the country and provided information on the following points: the progress made in the legislative field concerning the application of the provisions of the Convention; the situation of the Gypsies (Roma) and the situation of employed women in Romania.

99. The Committee took note of the information provided by the government representative, in particular that relating to the implementation of the recommendations of the Commission of Inquiry established to examine the complaint made under article 26 of the ILO Constitution.

100. The Committee noted with interest the measures taken to eliminate discrimination in employment and in training based on political opinion, religion, race, sex, national extraction and social origin.

101. The Committee trusted that the Government's next report would contain the other information requested by the Committee of Experts so that, at one of its future sessions, the Committee could take note of the energetic measures taken by the Government and the progress made in law and in practice so as to ensure the full application of the Convention. The Committee trusted that the recommendations of the 1991 Commission of Inquiry would be fully applied in the near future and that both the Committee of Experts and the Committee on the Application of Standards would be in a position to note real progress in the matter.

IV. INFORMATION PROVIDED BY NON-GOVERNMENTAL ORGANIZATIONS

A. Information received from Amnesty International

102. In its reports entitled Romania: Continuing Violations of Human Rights and Romania: Update to Amnesty International's Concerns, issued respectively in May and September 1993, Amnesty International referred to allegations of torture and ill-treatment by police officers and soldiers of the armed forces against members of ethnic groups, reportedly because of their ethnic background. Similar reports were received by AI concerning allegations of torture and ill-treatment of detainees by police officers, often in order to

force them to confess. It was also reported that the use of firearms by police was frequently not in accordance with appropriate international standards and that only a few cases had been fully investigated and brought to trial.

103. Under the heading "Alleged torture and ill-treatment by police", AI reports provided detailed accounts of several cases of torture and ill-treatment occurring between February and June 1993. The latest reported case concerned Mr. Costel Covalciuc, a 35-year-old labourer from Dorohoi who was arrested by two police officers on 29 June 1993, following mistreatment of his wife who complained to the local police. Tried and sentenced within two days, he died in detention on 4 July 1993.

104. According to several members of his family who visited the hospital morgue before the autopsy, the body of the deceased was allegedly "in sandals, his shirt open, with blood-smeared hands, unbuttoned trousers, and many bruises on the body, throat and temples". This statement was confirmed by a nurse who saw the body when it was brought to the hospital and a patient who observed the body before it was taken to the morgue.

105. The report of the autopsy, performed on 5 July 1993, indicated that Mr. Costal Covalciuc's death was of a "non-violent" type. The military prosecutor's office issued a non-indictment decision citing as the cause of death "an acute cardio-vascular insufficiency" (a heart attack). In this connection the AI report pointed out that Mr. Covalciuc's medical records at the local hospital showed that he had had a clean bill of health at his annual check-ups for the period 1990-1993.

Inter-ethnic conflicts and respect for the rights of minorities

106. On 4 October 1993 Amnesty International issued a statement expressing concern at the "apparent failure of the Romanian authorities to protect the Roma community in the Transylvanian village of Hădăreni (a village in the district of Mures), following the killing of four people and the destruction of 17 houses during racial violence on 20 September 1993".

107. The incident occurred following a fight which broke out between two Roma and eight Romanians. A crowd of 400-500 Romanians and ethnic Hungarians gathered in front of the Roma's house and set it alight. The two Roma brothers were arrested and handcuffed by police officers while attempting to escape the house on fire. According to several reports received by AI, the two men were beaten and kicked to death by the villagers who then set fire to other Roma houses. Allegedly, the policemen, who were armed, stood aside and took no action to protect the two brothers.

B. Information provided from the Romanian Helsinki Committee

Comments concerning legislative reforms

108. The Romanian Helsinki Committee (RHC) issued several comments on various draft laws considered as very restrictive. Within the draft law regarding

amendments to the Criminal Code, reference was mainly made to provisions concerning freedom of expression, the protection of State secrets, the status of foreigners in Romania and the demilitarization of the police.

109. The RHC underlined the provisions restricting freedom of expression, especially the freedom of the press and the media in general. Reportedly, under the provisions recently adopted by the Senate, insults or the use of offending language by the media is punishable by up to two years' imprisonment if the offence is committed against a person, by up to from four years' imprisonment if it is committed against a civil servant and up to seven years' imprisonment if it is against the State President, a member of Parliament or the Government, a magistrate, a policeman, a gendarme or a member of the military. As far as the media are concerned, the law provides for a complementary sanction consisting of the prohibition to work as a journalist for an indefinite period of time, a sanction which also applies in cases of defamation.

110. Another matter of concern regarding the freedom of expression of NGOs is related to the fact that in some instances the definition of certain terms is vague, which allows for various interpretations. For example, article 147, paragraph 2, defines a "clerk" as any individual carrying out a task in the service of a legal entity, which includes NGOs. From the point of view of the RHC, the assimilation of individuals working in NGOs with public clerks carries the heavy risk that the members of these organizations could in the exercise of their activities encounter the possibility of facing the same charges as those which could be made against a public clerk, i.e. abuses against the interests of individuals or against the public interest, negligence of duty, bribery, appropriation of unmerited benefits or the use of offending language.

111. With regard to the process of demilitarization of the police, the RHC pointed out that the new draft law on the police which is currently being discussed in the Parliament contained only a few formal adjustments towards demilitarization and did not contain provisions regarding remedy for victims in terms of penal cases against the police in a civil court.

112. In its general comments concerning the draft law on the amendment and completion of the Criminal and Criminal Procedure Codes, the RHC stressed that the current tendency was to increase the penalties, "although the Romanian legislation is already one of the most severe in Europe". According to the organization the maximum penalties were increased by 5-10 years. The same is provided in the draft for the extension which may be added in case of second offence.

Allegations of torture and ill-treatment by police

113. Reportedly, several allegations of violations of human rights of individuals, mainly cases of police abuse, have been brought to the attention of the RHC during the period under review. Most of the cases were investigated by the members of the organization who could also follow the investigations led by the military prosecutor's office, the only body entitled to investigate cases involving the police. In this connection the organization is deeply concerned about the fact that if the office issues a

non-indictment decision, there is no way for the victim to appeal. The following allegations of torture and ill-treatment were described in the report provided by RHC:

(a) On 1 January 1993, Mr. Constantin Popa from Braila was allegedly beaten to death by a policeman at the railway station. The policeman is in prison and the trial started in September 1993;

(b) On 27 June 1993, Mr. Andrei Zanopol from Galati was reportedly beaten by two policemen before witnesses. Allegedly, an arrest warrant was issued against the complainant but the policemen failed to present it during the arrest. A month later, the charges brought against Mr. Zanopol were dropped and he lodged a complaint with the military prosecutor's office which issued a non-indictment decision. Mr. Zanopol appealed to a higher military prosecutor's office.

Inter-ethnic conflicts and respect for the rights of minorities

114. With regard to the situation of national minorities, the information received from the RHC indicated that many conflicts were still occurring in rural areas between the Romanians and, in some instances, ethnic Hungarians on one side and the Roma people on the other. Some 300 Roma houses were set afire during these conflicts and in a few cases members of the Gypsy community were killed. However, so far there has been no report of any prosecutions for arson, ransacking or murder.

115. With reference to the above-mentioned incident in Hadareni, the RHC report stated that a public assembly, attended by the Committee's representatives, was held at Hadareni on 5 October 1993, during which the village residents signed a letter to the State President, the Government and the Parliament asking for the expulsion of the Roma from their village. The Romanian and ethnic Hungarian villagers set up a sort of "ad hoc commission" whose role was to draw up a list of names of the Roma people who were allowed to remain in the village.

116. While the Romanian authorities offered to rebuild or repair the Gypsies' houses, the Roma Ethnic Federation was concerned that such a proposal might lead the Roma community to withdraw its complaints or to alter the content of the statements submitted to the authorities.

117. According to the same report, a parliamentary subcommission was sent to Hadareni to investigate the case. The subcommission's report concluded, inter alia, that there had been no inter-ethnic conflict and that four Gypsy families were responsible for the tension which had already existed in Hadareni and had culminated in the events of 20 September 1993.

118. RHC expressed concern that the "inefficiency" of the National Minority Council, the recently established government consultative body, had contributed to the withdrawal from the Council of the representatives of the ethnic Hungarian minority. It was also reported that two draft laws on minorities were prepared by the Hungarian party (UDMR) and the above-mentioned Council, but were not yet finalized.

C. Information provided by the International Human Rights Law Group

119. In its report concerning the current human rights situation in Romania, issued in August 1993, the International Human Rights Law Group referred to the openness of the legislative process following the 1992 legislative and presidential elections. In that connection, the report indicated that although the Romanian Parliament had made some de facto progress in the area of public access to information about legislative activities, the Parliament continued to act under its old set of rules. The example provided was that voting records for individual parliamentarians or their parties did not exist. The report stressed that in order for the Romanian Parliament to be truly accountable to the electorate, its legislative agenda and voting patterns must be transparent.

120. The following issues of concern were also reported by the IHRLG with respect to some aspects of the newly adopted legislation in relation to the protection of human rights.

Independence of the judiciary

121. With regard to the independence of the judiciary and the "Judicial Reorganization Law" (Law No. 92/1992) which took effect in July 1993, the IHRLG highlighted a number of shortcomings concerning the maintenance of the traditionally powerful Procuracy in many respects: the appointment and promotion of magistrates; the authority to initiate a habeas corpus-type procedure ("extraordinary recourse"); the ability to issue a warrant of preventive detention for 30 days without appearing before an independent judicial authority and to prolong preventive detention by an additional 30 days (Romanian Code of Procedure, arts. 155-157), as well as the function of "verifying on-site compliance with the law at preventive detention and prison facilities, as well as upholding educational and safety standards" (Law No. 92/1992, art. 31 (e) and (g)).

122. Through the analysis of article 19 of the Judicial Reorganization Law, the IHRLG presented examples of practical impediments to the independence of the judiciary, one of which is "the firm hierarchy of control over judges".

123. In a related analysis, the organization referred to what was described as an "uncertain relationship" between the Ministry of Justice and the Procuracy. Reportedly, the new law provides for a nominal authority of the Justice Minister over the Procuracy, now referred to as the Public Ministry (art. 30), and only by acting through the presidentially appointed General Prosecutor.

124. According to the same analysis, the Judicial Reorganization Law retains the military courts and prosecutors as a parallel system of justice. The Interior and the Justice Ministry's General Direction of Prisons continue to be considered military formations, headed by army generals, and their personnel (including ordinary police) are subject to the competence of the military court. Consequently, cases of police abuse or ill-treatment in prisons and in police custody could only be brought before the military prosecutor or the respective ministries to take action. The IHRLG emphasized

that "without true civilian control over abuses committed by the police and penitentiary personnel, there is little hope of achieving full protection of human rights".

Protection of privacy and freedom of speech

125. According to the information obtained by the IHRLG, unauthorized monitoring of telephone communications persisted as a remnant of the former regime. According to the Cronica Romana of 4 July 1993, the Romanian General Prosecutor is currently investigating the Hunedora branch of the Romanian Intelligence Service (SRI) for illegal wire-tapping.

126. The IHRLG report referred to the law governing the SRI which came into effect on 4 February 1992, pointing out that there were serious questions about whether the letter of the law was being adequately enforced. The report indicated that although the law gave a parliamentary joint committee the power to approve or dismiss any future SRI director, the current SRI director, Mr. Virgil Magureanu, who was appointed after the law was passed, was not submitted to a parliamentary approval process. It was also reported that the Parliament was not given budgetary control, and the SRI retained the privilege of justifying prohibited actions on broadly defined national security grounds.

127. With reference to the independence of the media and the freedom of speech, the IHRLG reported the changes which had occurred in the programmes of the Romanian State Television (TVR) following the appointment of its new Director, Mr. Paul Everac. As of 1 February 1993, the three programmes addressing ethnic minorities were reportedly stripped of any political or economic informational content. They were officially replaced by cultural, ethnographic and folklore magazines.

128. In a related development, it was reported that the National Audiovisual Council (NAC) created in 1992 began issuing licences to private television and radio broadcasters at the end of the year. Allegedly, many established, independent television stations that had broadcast opposition views were denied licences by the NAC, causing great controversy. As a result, the NAC is currently suggesting frequency sharing. It was also reported that there were far fewer allegations of unprovoked assaults on journalists than in previous years.

Inter-ethnic conflicts and respect for the rights of minorities

129. The establishment of the National Minority Council in April 1993 was considered by the IHRLG as an important step in so far as it allowed for a true dialogue to take place between government officials and representatives of each minority group in Romania.

130. In February 1993, according to the information provided by the organization from the Romania Libra of 22 February 1993, the Mayor of Cluj, Mr. Gheorghe Funar, initiated a town council measure to ban foreign national flags and the playing of foreign national anthems in public except on official occasions. It was also alleged that despite some condemnation from the central Government, the municipality continued to use local statutes and regulations to harass or provoke local Hungarians.

131. The IHRLG expressed serious concerns about the ongoing discrimination against the Roma minority in Romania and the fact that Romanian society as a whole tended to associate all Roma with the criminal elements. Reference was made to violence erupting in "vigilante-style" episodes and the Government's limited and slow reactions to these events.

132. In a related development, the report underlined what it described as incendiary anti-minority articles, especially in newspapers such as Romania Mare and Europa. Reportedly, Romanian television and newspapers continued to designate criminals as "tzigane" (Gypsy) when they were of Roma origin, although other non-Roma communities are not generally identified by ethnic or national origin. In this connection, the IHRLG report stated that, according to the Romania Libera of 28 July 1993, Mr. Nicolae Gheorghe, a Roma leader of the Ethnic Federation of Roma in Romania, was suing several newspapers, including the Romania Mare, for libel.

Annex I

LEGISLATION ADOPTED IN 1993

1. Act No. 26/1993 on the establishment, organization and functioning of the police corps.

2. Act No. 20/1993 ratifying the European Agreement establishing an association between Romania and the European Communities and their Member States.

3. Act No. 15/1993 on Romania's accession to the European Convention on the Adoption of Children, concluded at Strasbourg on 24 April 1967.

4. Act No. 59/1993 amending the Code of Civil Procedure, the Family Code and Act No. 29/1990 on administrative disputes and Act No. 24/1992 on the organization and functioning of the Court of Audit.

5. Act No. 64/1993 on Romania's accession to the Statute of the Council of Europe.

6. Act No. 61/1993 on child allowances.

7. Act No. 35/1993 amending Act No. 52/1991 on the remuneration of judicial personnel.

8. Act No. 45/1993 amending the Code of Criminal Procedure.

9. Act No. 56/1993 on the Supreme Court of Justice.

10. Act No. 54/1993 on the organization of military courts and prosecution departments.

11. Act No. 39/1993 on Romania's accession to the Optional Protocol to the International Covenant on Civil and Political Rights.

12. Act No. 47/1993 on legal declaration of the abandonment of children.

13. Ordinance No. 4 on contributions from the State budget to supplement the salaries of members of the clergy.

14. Government Decision No. 103/1993 on the establishment of the National Committee for the Protection of Children.

15. Government Decision No. 137/1993 on the organization of the Council on National Minorities.

16. Decision No. 394/1993 increasing the personnel of the Ministry of the Interior for the purposes of prosecution activities in accordance with the provisions of the Organization of Justice Act (No. 92/1992).

17. Government Decision No. 283/1993 on measures relating to the teaching process during the academic (university) year 1993/1994.

18. Government Decision No. 518/1993 approving the regulations on the organization and functioning of the police corps.

Annex II

INSTRUCTION IN MINORITY LANGUAGES IN ROMANIA

A. THE PRE-UNIVERSITY EDUCATIONAL SYSTEM IN ROMANIA, BY EDUCATIONAL CYCLE AND LANGUAGE OF INSTRUCTION, FOR THE ACADEMIC YEAR 1992/93

Language of instruction	Establishments	Sections	Total E+S	%	Total children and pupils	%
I. Preschool education						
Total - for country	11 977	626	12 603	100	752 063	100
Total - for minorities	639	626	1 265	10	57 678	8
1. Magyar	589	481	1 070	9	49 255	7
2. German	22	131	153	1	7 051	1
3. Ukrainian	5	2	7	-	305	0
4. Serbian	6	9	15	0	368	0
5. Bulgarian	1	-	1	-	164	-
6. Slovak	11	-	11	0	321	0
7. Czech	2	-	2	-	89	-
8. Croat	3	-	3	-	76	-
9. Turkish	-	3	3	-	49	-
II. Primary education						
Total - for country	5 999	150	6 149	100	1 201 229	100
Total - for minorities	353	150	503	8	68 246	6
Magyar	329	78	407	7	60 726	5
German	3	57	60	1	6 370	0
Ukrainian	-	4	4	-	145	-
Serbian	2	2	4	-	319	0
Slovak	17	4	21	0	513	0
Czech	2	3	5	-	132	-
Croat	-	2	2	-	41	-
III. Secondary education - first cycle (middle schools)						
Total - for country	7 103	527	7 630	100	1 339 555	100
Total - for minorities	252	527	779	10	73 201	6
Magyar	241	455	396	9	68 153	5
German	5	57	62	1	4 423	0
Ukrainian	-	2	2	-	65	-
Serbian	1	13	14	0	138	-
Slovak	5	-	5	0	422	0
IV. Secondary education - second cycle (high schools)						
Total - for country	1 108	130	1 238	100	714 013	100
Total - for minorities	39	130	169	14	33 288	5
Magyar	33	118	151	12	31 196	4
German	5	8	13	1	1 657	0
Ukrainian	-	2	2	0	113	-
Serbian	1	1	2	0	199	-
Slovak	-	1	1	-	123	-
V. Vocational and post-secondary education						
Total - for country	1 306	-	1 306	100	390 661	100
Total - for minorities	-	14*	14	1	8 206	3
Magyar	-	12	12	1	7 587	2
German	-	2	2	-	619	0

* Vocational preparatory classes are classified as "school groups" and included in the number of high schools.

The 14 establishments are at the post-secondary level.

B. TEACHERS

BY LEVEL AND LANGUAGE OF INSTRUCTION IN PRE-UNIVERSITY EDUCATION, FOR THE ACADEMIC YEAR 1992/93

Language of instruction	Total	of which:		
		Nursery schoolteachers	Primary schoolteachers	Secondary schoolteachers
Country total	259 263	36 447	55 176	167 640
Minority total	15 132	2 729	3 630	8 773
Magyar	13 843	2 371	3 239	8 233
German	1 003	297	304	402
Ukrainian	33	13	16	4
Serbian	94	20	25	49
Slovak	134	14	35	85
Czech	11	2	9	-
Bulgarian	6	6	-	-
Turkish	3	3	-	-
Croat	5	3	2	-

C. STATUS
of publication of textbooks in national minority languages

Language of instruction	Academic year 1992/93		Academic year 1993/94	
	No. titles	Copies	No. titles	Copies
Hungarian	64	610 300	91	650 000
German	12	11 590	49	71 400
Serbian	2	700	19	4 000
Ukrainian	4	3 400	22	8 000
Slovak	6	1 900	12	4 000
Czech	3	320	3	400
Bulgarian	1	100	4	400
Turkish	-	-	4	2 000
Croat	1	150	5	800
Polish	-	-	4	600
Russian	2	3 000	4	4 000
Romany	-	-	1	5 000
TOTAL	95	631 460	208	750 600

NOTE: Textbooks in Hungarian are published every year, in German every two years, and every four or five years for the other minorities because of the small number of pupils.